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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/768,645 | 01/30/2004 | Rida Belkoura | 770-011632-US (PAR) | 7466 |
| 2512 | 7590 | 03/21/2006 | EXAMINER | |
| PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824 | | | LEVINE, ADAM L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3625 | |

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/768,645 | BELKOURA, RIDA |
| | Examiner | Art Unit |
| | Adam Levine | 3625 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 January 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This application was filed January 30, 2004. Claims 1-7 examined herein were filed in their present form by preliminary amendment dated March 12, 2004. This is a first non-final action on the merits.

Drawings

The drawings are objected to for the reasons indicated in the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

1. Claim 4 is objected to because of the following informalities: The claim recites the limitation "the purchased music." There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Korman (US Patent No. 6,308,887).**

Korman teaches all the limitations of claims 1-7. For example, Korman discloses a kiosk for providing multiple functions. (Please note: as an aid in determining features

that are inherent in a kiosk, please see at least the definition of "kiosk:" "A stall set up in a public place where one can obtain information, e.g. tourist information. The information may be provided by a human or by a computer. In the latter case, the data may be stored locally (e.g. on CD-ROM) or accessed via a network using some kind of distributed information retrieval (sic) system such as Gopher or World-Wide Web." Attached form PTO-892, item U.). Korman further discloses:

- a communications port: (see at least abstract, figs.1-3, column 3 lines 39-62, column 4 lines 21-29, column 7 lines 11-30, column 8 lines 37-50).
- a microprocessor: operable to connect to a postal service provider infrastructure through the communications port and provide multiple functions and services to a user, the multiple functions and services including advertisements, broadcast programs, the ability to purchase merchandise, the ability to preview and purchase movies, and the ability to purchase postage (see at least column 5 lines 30-38, column 8 lines 3-13); operable to provide a user with the ability to listen to music clips and to purchase music in the form of a download (see at least column 7 lines 32-53); operable to provide a user with access to a particular locality's department of motor vehicles (see at least column 9 lines 11-32).

Please note: Although Examiner interprets "other service provider" to include a locality's department of motor vehicles, there are other problems with this claim. For example, this element is not a limitation that will serve to distinguish the parent claim over the prior art because any microprocessor embodied within any computer is operable to access any service provider that has a network (i.e.,

internet) presence. This is also an issue in the other claimed operable functions of the microprocessor in this application. For evidence that this and other services were available functions at least one year prior to the filing of this application, please see at least form PTO-892, Items V1 – V2); operable to provide a user with ticketing services for entertainment venues and transportation (see at least column 6 lines 10-18, column 7 line 54 – column 8 line 2).

- a user interface: operates to allow a user to navigate through a variety of programs for viewing (see at least figs.1-3, column 4 line 49 – column 5 line 29, column 6 lines 36-45); operates to display advertisements when the kiosk is idle (see at least column 8 lines 3-13).
- a payment device: (see at least fig.3, column 5 line 39-column 6 line 18, column 8 lines 26-36).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pond can be reached on 571.272.6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adam Levine
Patent Examiner
March 16, 2006



Robert M. Pond
Primary Examiner